ORDINANCE NO. 10 SERIES OF 1954

AN ORDINANCE TO REGULATE GENERAL CONDUCT:

PROHIBITING CONTEMPT OF COURT; RESISTING ARREST; ASSAULTING AN OFFICER; DISORDERLY CONDUCT; ASSAULT; ASSAULT AND BATTERY; OBTAINING MONEY BY FRAUD; DISORDERLY HOUSES; OBSCENE LITERATURE; CONCEALED WEAPONS: THE USE OF EXPLOSIVES, FIREARMS, AIRGUNS, BEAN SHOOTERS, ETC.; TRESPASS AND PROPERTY DAMAGE; VAGRANCY; MINORS IN PLACE OF ILL REPUTE; SALE OF TOBACCO TO MINORS; DISTRUBING OF THE PEACE; RELIGIOUS MEETINGS; PRESCRIBING CURFEW REGULATIONS; REGULATING THE FLYING OF KITES; PROHIBITING THE INJURY OF FIRE APPARATUS AND FALSE ALARMS; THE REMOVAL OF PUBLIC RECORDS; DESTRUCTION OF PUBLIC NOTICES; INJURIOUS SUBSTANCES; CRUELTY TO ANIMALS, AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

THE PEOPLE OF THE CITY OF ELGIN, STATE OF OREGON, DO ORDAIN AS FOLLOWS:

SECTION 1. CONTEMPT OF COURT; RESISTING AN OFFICER; ASSAULTING AN OFFICER:

(a) The use of loud, boisterous, disrespectful, profane, or threatening words or language, and any disrespectful conduct, within the Office of the City Recorder, or in any other place where that Official, or any person duly acting by his authority and in his stead, is presiding as City Magistrate, shall be deemed in contempt of Court and shall be punished at the discretion of the Court.

(b) It shall be unlawful for anyperson who is being, or has been, placed under arrest to answer to a charge of violation of Law, to resist such Officer; or for any bystander, friend, relative or any other person to prevent or attempt to prevent, through intimidation, threats, or physical contact of any kind, or by any means whatsoever, the arrest and holding of such person in custody until released by due process of law; to neglect or refuse instantly, to assist any Peace Officer who may call upon nay bystander or other person to assist in subduing any person who is resisting arrest; to interfere with or assault, by the use of profane, obscene, abusive or threatening words or language, or by physical contact in any form or manner, any Officer engaged in the performance of his duties.

(c) It shall be unlawful to forceably take, remove, or deliver from restraint or confinement any person placed within such restraint or confinement by any Police Officer or other propertauthority to answer to a criminal charge, except by due process of Law.

SECTION 2. ASSAULT; ASSAULT AND BATTERY.

(a) It shall be unlawful for any person or persons to assault or attach another by or through the use of obnoxious, profane, obscene, abusive or threatening words while upon a public street or in an alley, house or place within the corporate limits of the City of Elgin.

(b) The use of physical contact, force or violence, in any manner, while in a fit of anger, or with malicious intent to hurt or injure the person or property of another, is hereby declared to be Battery, and when such use of physical contact, force or violence is accompanied by obnoxious, profane, obscene, abusive or threatening words, it shall be deemed to be Assault and Battery within the provisions of this Ordinance.

(c) It shall be unlawful for any parent, parents, guardian, caretaker or any other person or persons to wilfully or knowingly commit any act or engage in any practice that shall, either by unreasonable punishment, abuse or neglect, contribute to the physical or mental suffering, or discomfort of the child, or adult person, who by reason of age, or physical or mental illness or affliction is incapable of providing proper self protection and self comfort; and no parent, guardian or caretaker shall leave any child or children under the age of ten (10) years alone in any motor-vehicle, house or place within the City of Elgin for a period longer than fifteen (15) minutes at any time, day or night.

SECTION 3. DISORDERLY CONDUCT; DRUNKENNESS.

(a) It shall be unlawful for any person to use loud, boisterous, profane, obscene, abusive or threatening language in any public place; to engage in any rude, riotous, indecent or violent conduct; to insult any person; to cause or make any unusual or distrubing noise; to participate in any disorderly assembly or distrubance in any street, house or place, to commit any obscene, indecent or immoral act, or any breach of the peace, or to incite others so to do; to drink intoxicating liquors on any street, or in any alley, or in any park, or other place out of doors and open to public view, or in any motor vehicle while such motor vehicle is parked on a public street or alley; to become or be intoxicated or under the influence of intoxicating liquors within the corporate limits of the City of Elgin.

SECTION 4. OBTAINING MONEY BY FALSE PRETENSES.

(a) It shall be unlawful for any person knowingly, or with intent to defraud, to make, draw, utter or deliver any check, draft or order, for the payment of money, upon any bank or depository, without having, at that time, the necessary funds in or credits with such bank or depository for the payment of such check, draft or order.

(b) Whenever any such check, draft or order for the payment of money shall not be honored by said bank or other depository for the reason that the person who made the check, draft or order, did not have an account, or did not have sufficient funds or credit with such bank or depository, and such person shall fail, upon demand, to cover such check draft or order, so that the same, on a second presentation, will be paid within forty eight hours after the making of such demand, evidence of such demand having been made, shall be prima facie evidence of intent to defraud, within the meaning of this ordinance.

SECTION 5. DISORDERLY HOUSES; PROSTITUTES.

(a) It shall be unlawful to keep, maintain or run a disorderly house, bawdy house or house of prostitution in or upon any premises within the corporate limits of the City of Elgin, State of Oregon.

(b) It shall be unlawful for any person except a physicain or an officer, in discharge of their professional or official duties, to enter, visit or go upon such premises of a disorderly house, bawdy house, or house of prostitution; nor shall any person frequent, reside in, or be an inmate of such a house.

(c) It shall be unlawful for any person to lease or let his (or Her) house or building for the purpose of keeping therein any disorderly house, bawdy house, or house of prostitution, or to knowingly permit such house or building to be so used, and it shall be the duty of any person who learns that his (or her) house or building is so occupied or used to immediately oust the occupants thereof.

(d) It shall be unlawful for any person to solicit another to visti, or enter, any disorderly house, bawdy house, or house of prostitution, to have sexual intercourse with a prostitute; to live off the income of a prostitute; to receive from a prostitute any part or all of her earnings; or to habitually associate with a prostitute.

SECTION 6. OBSCENE LITERATURE.

(a) It dhall be unlawful for any person, persons, firm or corporation to seel, offer for sale, lend, give away, distribute, circulate, or have in possession with the intent to sell, lend, give away, distribute, or circulate any obscene literature or indecent or obscenen book, paper, magazine, writing, printed matter, picture, drawing photograph or engraving.

(b) The possession of any obscene or indecent book, paper, magazine, writing, printed matter, picture, drawing, photograph, or engraving by any perons, persons firm or corporation engaged in business, who regularly sell, or offer for sale books, papers, magazines, writings, printed matter,

pictures, drawings, photographs, or engravings, shall be deemed prima facie evidence that such book, paper, magazine, writing, printed matter, picture, photograph, or engraving is kept for the purpose of selling the same or offering the same for sale.

SECTION 7. CONCEALED WEAPONS; DEADLY WEAPONS.

(a) It shall be unlawful for any person to carry concealed in any manner, any firearm, or other deadly weapon; or to carry any firearm, or other deadly weapon, whether concealed or not, with the purpose or intention of committing any act of aggression or voilence against the person or property of another; Providing that Peace Officers shall not hereby be prohibited from carrying concealed weapons.

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(b) Any black jack, sap, brass knuckles, or other instrument or weapon made of wood, stone, metal or any other substance, used or intended to be used for attacking, striking, hitting, or otherwise injuring or mutilating, or any knife, razor, or other type of cutting instrument, having a blade length of five (5) inches or over shall, within the meaning and purpose of this ordinance, constitute a deadly weapon.

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SECTION 8. EXPLOSIVES; FIREARMS; AIRGUNS; BEAN SHOOTERS; SLING SHOTS, etc.

(a) It shall be unlawful for any person, persons, trapshooting club, or other organization or group to shoot, discharge, or explode any pistol, revolver, gun, cannon, fireworks, gun powder or any other form of explosive compound within the corporate limits of the City of Elgin, within the area designated and used as a Municipal Airport and/or within that area known as the Municipal Incinerator Grounds without first obtaining permission so to do from the Mayor or Chairman of the Police Committee of the City of Elgin.

(b) It shall be unlawful for any person to discharge, shoot, operate, or use any airgun, bean shooter, sling shot, or other contrivance which may be used for propelling shots, stones, pebbles, beans or other missle, of whatever kind or substance, within the corporate limits of the City of Elgin.

(c) For the first violation of this section by a minor under the age of 17 years the airgun, bean shooter, sling shot or other contrivance used in committing the violation shall be impounded for a reasonable period, or until such minor shall have promised faithfully to not repeat the act; and the minor's parent or guardian notified of the violation. Upon a second or subsequent violation of this section the parent(s) or guardian shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than Fifty Dollars ($50.00).

SECTION 9. TRESPASS; DAMAGE TO PROPERTY.

(a) It shall be unlawful for any person to trespass upon, or commit any act which may result in damage to, any real or personal property belonging to eith r the City of Elgin or to any person, firm, corporation and located within the corporate limits of the City of Elgin.

(b) It shall be unlawful for any person, persons, firm or corporation to in any manner cut, break, remove or otherwise damage, mutilate or destroy any flowers, shrubs, trees or other plants, or any parts thereof in any Parking Space, Park, Square, Opening, Street or Alley, without first having obtained permission form the Parks Board, or, if grwon upon private grounds or premises, the permission of the owner(s) thereof.

SECTION 10. VAGRANCY.

Any person without visible means of living, who has the physical ability to work, and who does not within a reasonable time seek employment, or who does not accept employment when it is offered, and every beggar who solicits alms as a means of a livelihood without the consent of the City Council, and every idle or disolute person, or associate of known theives, and any person who wanders about the streets or alleys or other private or public property, at late or unusual hours without having lawful business or occasion to be upon such street, alley or other private or public

property, and any person who lodges or sleeps in any building or place without the consent or permission of the owner or manager thereof, and every person who visits, lives in, loiters about , or is employed by any house of ill fame, and every common prostitue, shall be deemed guilty of vagrancy.

SECTION 11. MINORS IN PLACES OF ILL FAME.

(a) It shall be unlawful for any minor under the age of 21 years to go into visit, or liter in or about, any pool hall, billiard hall, or card room, unless such pool hall, billiard hall, or card room be licensed by the City of Elgin for youth entertainment.

(b) It shall be unlawful for the owner, manager, operator, or employee of any pool hall, billiard hall, or card room not licensed by the City of Elgin for youth entertainment, or theowner, manager, operator, or employee of any beer parlor, gambling house, or house of prostitution, to permit any minor under the age of 21 years to go into, visit, loiter about, or be employed or used in or about such pool hall, billiard hall, card room, beer parlor, gambling house, house of prostitution, or disorderly house.

SECTION 12. GAMBLING AND LOTTERIES.

It shall be unlawful for any person or persons to operate or assist in the operation of any gambling game played for money or other representativ of value, or to operate or assist in operating a lottery.

SECTION 13. STREET MEETINGS.

It shall be unlawful for any person or persons to speak, exhort, or hold any public meeting or services on any street, sidewalk or alley, or to cause a crowd of people to congregate along such street, sidewalk or alley in such a manner as to block or hinder traffic upon such street, sidewalk or alley, or prevent the normal use of such street, sidewalk or alley for the ordinary course of business.

SECTION 14. DISTRUBING RELIGIOUS ASSEMBLIES; DISTRUBING THE PEACE.

(a) It shall be unlawful for any person or persons to distrub or disquiet amy congregation or assembly meeting for religious worship, or for any other lawful purpose, by making loud and unnecessary nosies, or by rude, obnoxious, or indecent behaviour, or profane or offensive language within any place of assembly, or so near by as to annoy or disturb those having part in the solemnity of the meeting.

SECTION 15. SALE OF TOBACCO TO MINORS; USE OF TABACCO BY MINORS.

(a) It shall be unlawful to sell, give, or in any way furnish tobacco in any form to a minor under 21 years of age.

(b) It shall be unlawful for any minor under the age of 21 years to smoke, chew, or use tabacco in any form or manner, in any public place, or resort, or on any street or alley, or to have upon his person tabacco in any form, within the corporate limits of the City of Elgin.

SECTION 16. CURFEW.

(a) It shall be unlawful for any person under the age of 18 years to be upon, loiter about, wander over, or stroll along the streets, alleys, avenues, public parks, or highways after the hour of 11:00 P.M. unless such person shall be accompanied by a parent or guardian or other adult person lawfully and properly accompanying such person.

(b) It shall be unlawful for any parent or guardian, or other adult person having the care and custody of any person under the age of 18 years to allow or permit such person to go upon, loiter about, wander over, or stroll along any street, alley, public park, or highway, or other public place, after 11:00 P.M. except as provided in subsection (a) above.

(c) Any police officer is hereby authorized and empowered, by virtue of his office, to take charge of any person under the age of 18 years, who is found violating the provisions of this ordinance, and for the first

violation thereof it shall be the duty of the officer taking charge of such person to take said person to his (or her) home, and to notify the parents or guardian of such person of the provisions of this ordainace, and of the penalties for subsequent violations of said ordinance.

(d) Upon a second or subsequent violation of this ordinance, said parents or guardian shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than Fifty Dollars ($50.00).

SECTION 17. FIRE APPARATUS, INJURY TO; FALSE ALARMS.

(a) It shall be unlawful for any person to lead, ride, or drive any horse or other animal, or to operate or drive any vehicle over or upon any fire hose, or to distrub or in any manner injure any fire hose, engine, appliance, or apparatus, belonging to or used by the Fire Department, or to refuse to observe and obey promptly the order of any member of the Fire Department, while at or in the vicinity of a fire, or to resist, obstruct or hinder any member of the Fire Department.

(b) It shall be unlawful for any person to turn in or knowingly give any false fire alarm.

SECTION 18. PRESERVATION OF PUBLIC RECORDS.

No person or persons shall take or remove any paper, document, or other property owned by the City of Elgin unless the permission of the legal custodian be first obtained and no person shall keep or retain any such paper, document or other property after demand for the return thereof has been made by the legal custodian.

SECTION 19. DESTRUCTION OF PUBLIC NOTICES.

It shall be unlawful for any person to deface, mutilate or tear down any official notice or bulletin, posted in conformity with law, or to affix a placard, bill or poster upon any real or personal property, private or public, without first having obtained the consent of the owner or proper public authority.

SECTION 20. INJURIOUS SUBSTANCES.

It shall be unlawful for any person to wilfully or carelessly place or deposit or to permit the depositing, by sifting or losing from a motor vehicle or otherwise, up n any public street, or alley, any glass, metal, wood, or other substance or debris that tends to mar the appearance of or detract from the cleanliness or safety of such public way, street or alley.

SECTION 21. CRUELTY TO ANIMALS; DOGS RUNNING AT LARGE; LICENSING OF DOGS.

(a) It shall be unlawful for any person or persons to wilfully mutilate, injure or hurt any animal or fowl, either by ill treatment or through neglect.

(b) No dog shall be permitted to run at large within the corporate limits of the City of Elgin between the hours of 9:00 P.M. and 7:00 A.M. during the months of May to August inclusive, and no female dog in heat shall be permitted to run at large at any time.

(c) Every dog over the age of six (6) months shall have and wear, securely attached to its collar at all times, a license tag issued according to the requirements of the State of Oregon and the City of Elgin.

(d) Any dog found violating any of the provisions of subsections (b) and (c) of this Section shall be impounded and duly advertised as required for other domestic animals; if the dog is unlicensed at the time of impounding, owner may claim such dog at any time within three days by paying rhe required licence fee and fifty (50) cents per day for each day or fraction the dog is impounded; if the offending dog has been duly licenced, the owner shall be notified by mail if he can be located, and may claim the dog at any time within five (5) days by paying the sum of fifty (50) cents per day, or fraction, that the dog is impounded.

SECTION 22. REPEAL OF ORDINANCES.

Ordinance No. 2, Series of 1949, and all Ordinances and parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 23. PENALTIES.

Any person vidating any of the provisions of this Ordinance shall, upon conviction thereof, and any persons found guilty of being a vagrant under the provisions of this Ordinance, shall be punished by a fine of not more than $500.00 or by imprisonment in the City jail for a term of not more than 100 days, or both, within the discretion of the Municipal Court.

SECTION 24. ORDINANCE; FORCE AND EFFECT.

That inasmuch as the Ordinances of the City of Elgin are incomplete and fail to regulate, and prescribe punishment for violation fo such regulations, relative to the general conduct of the public upon the public ways and within the plublic places, and other practices, within the City, it is necessary for the preservation of thepeace and welfare of the City that this ordinance take effect immediately, and an emergency is therefore declared to exist and this ordinance shall be in full force and effect immediately upon its passage, and approval by the Mayor, and the posting thereof as required by Charter.

PASSED this 4th day of August, 1954, by 5 councilmen voting therefor.

APPROVED this 4th day of August, 1954.

Roy C. Roulet
Mayor

Attested and filed this
4th day of August, 1954.

A P Miller
City Recorder